(1) Single Bench (13)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4899/2005

PETITIONER

M.R. Banjare,
(As per impugned order B.L. Banjare),
S/o. R. Banjare,
Aged about 59 years,
Occupation - service,
Presently working as Principal, Govt. Boys Higher Secondary School, Keskal, Dist. Bastar (C.G)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Adim Jati Tatha Anu. Jati Vikas Vibhag, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Collector, District Bastar (C.G.)

3. Block Development Education Officer, Keskal, Dist. Bastar (C.G)

4. Shri Bahadur Baghel, Principal, Govt. Higher Secondary School, Shyampur, Block Development Makdi, District Bastar (C.G)

P.R. No. 5008/05 Presented by Shri R.K. Pal dated 24/9/05

RECEIVED-COPY 24/9/05 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS ETC.

(36)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4899 of 2005

Petitioner M. R. Banjare

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Smt. Fouzia Mirza, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the respondents No. 1 to 3.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Principal in Govt. Boys Higher Secondary School, Keskal, District- Bastar was transferred to Shyampur, Block - Makdi on the same terms and conditions vide impugned transfer order dated 5.9.2005 (Annexure P/2) within the same district.
2. This Court vide interim order dated 5.10.2005 granted stay of the effect and operation of the impugned order in respect of the petitioner, till the next date of hearing.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur